



March 6, 2023

Hon. Stewart D. Aaron  
Daniel Patrick Moynihan Courthouse  
500 Pearl Street, Room 1970  
New York, New York 10007

Re: *Wilson & Wilson Holdings LLC, v. DTH, LLC*, 1:22-cv-02941-PGG-SDA

Dear Judge Aaron:

As directed by Your Honor during the telephone conference on February 27, 2023, Plaintiff, Wilson & Wilson Holdings LLC (“Plaintiff”), and Defendants, DTH, LLC (“DTH”) and Tomer Dicturel (“Mr. Dicturel”), (collectively, the “Parties”) write jointly to address: “(a) whether the parties wish to consent to proceed before [Your Honor] for all purposes or for a specific dispositive motion; and (b) setting forth a proposed briefing schedule on the parties' anticipated motions, *i.e.*, Plaintiff's motion for jurisdictional discovery and/or motion to compel and Defendant Dicturel's motion for a protective order.” ECF 83. The Parties do not jointly consent to refer this case for purposes of Mr. Dicturel's forthcoming motion to dismiss or for all purposes.

The parties were unable to reach agreement on a briefing schedule. Their respective positions are below.

### **Plaintiff's Proposal**

Plaintiff seeks to move this case forward efficiently and without delay. With regard to the briefing schedule, Plaintiff's counsel proposes the schedule below due to pre-existing obligations and previously scheduled out-of-country travel this month. Additionally, Plaintiff's proposed schedule is reasonable, particularly given that this matter has been pending for almost one year and Mr. Dicturel has not provided any reason for opposing Plaintiff's proposed schedule other than stating generally that he did not understand the need for such a schedule. With regarding to the briefing format, due to the significant overlap of the issues and facts and in the interest of judicial economy, Plaintiff proposes one briefing (as opposed to each party briefing and filing separate motions) in which: (i) Plaintiff files its motion, (ii) Mr. Dictural files its opposition and cross-motion for a protective order, (iii) Plaintiff files its reply and opposition, and (iv) Mr. Dictural files his reply. Accordingly, Plaintiffs propose the following schedule:

Within 30 days of the Court's adoption of a briefing schedule, Plaintiff shall file a motion for jurisdictional discovery;

Within 30 days of Plaintiff's motion for jurisdictional discovery, Mr. Dicturel shall file his response to Plaintiff's motion for jurisdictional discovery and cross-motion for protective order;

Within 30 days of Mr. Dicturel's response to Plaintiff's motion for jurisdictional discovery and Mr. Dicturel's cross-motion for protective order, Plaintiff shall file its response to Mr. Dicturel's motion for protective order and Plaintiff's reply in support of its motion for jurisdictional discovery; and

Within 15 days of Plaintiff's response to Mr. Dicturel's motion for protective order and Plaintiff's reply in support of its motion for jurisdictional discovery, Mr. Dicturel shall file his reply in support of his motion for protective order.

### **Defendants' Proposal**

Defendants DTH and Dicturel believe the schedule proposed by Plaintiff is too protracted. The parties have already exchanged letters outlining their positions and the parties would benefit from obtaining some certainty around this issue. In addition, although Defendants are not necessarily opposed to asserting their motion for a protective order through a cross-motion, they do not believe that is a viable approach here because of the additional time it would add to the process given Plaintiff's proposal regarding the briefing schedule. Defendants propose the following schedule.

Opening briefs – 7 days from the date of the scheduling order
Oppositions – 14 days after initial briefs
Replies – 7 days after oppositions

Respectfully submitted,

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Application GRANTED IN PART and DENIED IN PART. It is hereby Ordered as follows:

1. No later than March 28, 2023, Plaintiff shall file its motion for jurisdictional discovery.
2. No later than April 18, 2023, Defendants shall file their opposition and cross-motion for a protective order.
3. No later than May 2, 2023, Plaintiff shall file its reply and opposition to Defendants' cross-motion.
4. No later than May 13, 2023, Defendants shall file any reply in support of their cross-motion.

SO ORDERED.

Dated: March 7, 2023

